

Department of Public Health
and Human Services

Section:
NONFINANCIAL REQUIREMENTS

TANF CASH ASSISTANCE

Subject:
Residence/Home/Temporary Absence

Supersedes: TANF 302-1 (01/01/06); TB-30 (1/17/07)

► **References:** ARM 37.78.102, .206; .207 and .221

GENERAL RULE—Applicants and participants must be Montana residents. The minor child must reside with a caretaker relative in a setting maintained as a home.

NOTE: Minor children who usually live with a custodial caretaker relative and are visiting their other parent (or other caretaker relative) for a temporary visit are not considered to be living with the second parent or caretaker relative. They are 'temporarily absent' from their custodial parent, and could be eligible in the custodial parent's household.

EXAMPLE: Minor child normally lives with his mother. Each summer he goes to visit his father. During his absence from his mother's home, he is still considered to be living with his mother. If his father applied for TANF cash assistance, the father's application would be denied (even if the child's mother was not on assistance) if he was the only minor child in his father's home.

► RESIDENCY

Residency is established when an individual is living in Montana voluntarily with the intention of making a home here and not for a temporary purpose.

Residency does not depend upon the reason for which the individual entered the state, except it may indicate whether he/she is here voluntarily or for a temporary purpose. The individual's written declaration of intent to reside permanently or seek employment in the state of Montana verifies the residency requirement. There is no durational requirement, such as having to reside in Montana for six months prior to applying for or receiving public assistance.

Temporary residence with no intent to remain within the state does not fulfill the residency requirements. For example, migrant workers or minor children who usually live with a custodial caretaker relative in another state, and are in Montana to visit their other parent (or other caretaker relative) during a summer vacation or other school break do not fulfill this requirement.

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Residence is retained until abandoned. A participant's temporary absence (not to exceed 90 consecutive days) from the state does not interrupt continuity of residence.

HOME

A home is the family setting evidenced by the assumption and continuation of responsibility for the day-to-day care of the child by the caretaker relative with whom the child is living or will be living. If the child is not living with a specified relative at the time of application but will do so within 30 days of the receipt of the first benefits, the child is considered to be in the home.

NOTE: If the child is away from the home for medical treatment at time of application, but intends to return to the home and the parent meets the requirements of the temporary absence rule (continues to exercise responsibility, maintains a home for the child, and plans to continue such responsibility when the child returns home), there is no time limit on how long the child can be absent either before or after the application date.

The quality or type of the home (such as a vehicle, RV, camper, tent, etc.) is not a factor in determining eligibility. If evidence indicates that continuing to reside in the home is detrimental to the health and welfare of the child, a referral to the Department's child protective services for investigation must be made.

A home exists so long as the relative exercises responsibility for the child's care, even though the child or the relative is temporarily absent from the home.

HOMELESS

Assistance may be provided to otherwise eligible individuals who are homeless who, therefore, have no fixed address nor live in permanent dwellings. The individual must declare his/her intent to reside in Montana and meet the criteria stated above.

Lack of a permanent dwelling or lack of a fixed home or mailing address does not mean a home does not exist for purposes of determining whether a child lives with a specified relative in a setting maintained as a home.

**COUNTY OF
RESIDENCE**

Participants may choose to receive TANF cash assistance benefits in their county of residence or any adjacent county. If the participant wishes to receive TANF cash assistance benefits in a county other than their county of residence or adjacent county, they can do so only if they meet the temporary absence requirements. For the policy on handling applications made out of the county of residence, see TANF 103-1.



Participants who choose to be served in a county other than their county of residence must perform the majority of work activities in the county of service, including WEX placements and case management activities. The case manager is not expected to know about or make referrals to resources available in the participant's county of residence. **Supportive services will not be issued to transport the participant from their county of residence to their county of service to comply with FIA/EP activities or to attend appointments.**

EXAMPLE 1: Participant lives in Ravalli County but conducts daily activities in Missoula. The participant wishes to receive benefits and services in the Missoula office. This would be allowable because Ravalli and Missoula Counties are adjacent. The participant must participate in Missoula County (WoRC, WEX, activities, etc.).

EXAMPLE 2: Participant lives in Glacier County but wants to receive benefits and services in Cascade County. This would only be allowed if the household met the temporary absence policy or special criteria as stated below.

► SCHOOL BREAKS

If an individual is attending post secondary education and reports that they will be residing in another county of residence during a time period that is not considered an interim break (longer than 45 days on the school calendar) the case must be transferred to the new county of residence.

If the time period is less than 45 days (considered an interim break), the individual's case will be maintained in the current county of residence and all individuals who are required to participate in employment and training activities must continue to participate during the interim school break or be subject to sanction.

► TEMPORARY ABSENCE LESS THAN 90 DAYS

Temporary absence occurs when an assistance unit member is away from his/her home for a period of time not to exceed 90 consecutive days, (unless the absence meets one of the special criteria listed below).

Benefits continue for these members as long as the following conditions are met:

1. The absent member intends to return to his home within 90 days;



NOTE: If the absence is expected to be longer than 90 days unless the special criteria on next page are met, the

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absence is not considered temporary even for the first 90 days.

2. While the individual is away, the caretaker relative continues to exercise responsibility and maintains a home for the child;
3. The caretaker relative plans to continue such responsibility for the child upon return to the home; and
4. The individual is not incarcerated.

► **HOUSEHOLD
MEMBER
ABSENCE FORM**

When the household reports that an individual is absent from the home, an evaluation of the intent to return to the home must be made. The household must be given the HCS-262 "Household Member Absence" form to complete.

- **NOTE:** The HCS-262 form is not required if Child and Family Services has notified the OPA that a child(ren) have been removed from the home and the plan is to return them to the home within 90 days.

If the form indicates that the individual is expected to return to the home within 90 days, and the individual meets the criteria to be considered temporarily absent from the home (see above), the individual will continue to receive assistance in the household.

- **NOTE:** If the absent member is required to have a FIA/EP they must continue with their FIA/EP activities or a new FIA/EP must be negotiated. If a FIA/EP cannot be negotiated, the household will fail eligibility as negotiation of a FIA/EP is an eligibility requirement.

- If the individual does not meet the criteria (see above) to be considered temporarily absent from the home, even if they are expected to return to the home within 90 days, the individual must be removed from the assistance unit.

- If the form indicates that the household member is not expected to return to the home within 90 days, and the individual does not meet the special criteria (below) to be considered temporarily absent, the individual must be removed from the assistance unit (TEAMS participation code changed to 'OU').

- If the individual is a parent of a child receiving assistance in the household, a child support enforcement referral (HCS-332) must be

completed before the remaining household members are eligible for assistance (TANF 306-1).

**► TEMPORARILY
ABSENT MEMBER
MEMBER DOES
NOT RETURN
WITHIN 90 DAYS**

If the household member who was temporarily absent does not return to the home within the 90 days, without good cause (TANF 1509-1), the individual is removed from the assistance unit unless the special criteria outlined below applies. If he/she is the only eligible child, eligibility terminates for the entire assistance unit. If the absent member is the child's specified caretaker relative, the child no longer meets the requirement of living with a specified caretaker relative and eligibility ends.

**► SPECIAL
CRITERIA**

If the absent member meets the following special criteria, they are considered temporarily absent, he/she is not subject to the 90-day limit and, if otherwise eligible, may continue to receive benefits for an unspecified period of time:

1. Child or adult away from home for medical treatment;
2. A child away from the home for the sole purpose of attending a boarding school as long as the child is expected to return home at the end of the school term and verification of school enrollment and attendance is provided;



NOTE: Participating in a Job Corp Program or Montana Youth Challenge Program is not considered attending a boarding school.

3. An adult away from the home and the absence is for a specific short-term training or employment.

**► ABSENCES
LONGER THAN
90 DAYS**

When an individual is expected to be absent from the home for longer than 90 days, and they do not meet the special criteria above, it is not considered a temporary absence.

This includes absences for the following reasons:



1. An adult attending post secondary education; or



2. An adult or child who is incarcerated for any length of time.



The individual must be removed from the assistance unit (TEAMS participation code changed to 'OU'). If the individual is a parent of a child receiving assistance in the household, a child support enforcement referral (HCS-332) must be completed before the remaining household members are eligible for assistance (TANF 306-1).

► The following are examples of temporary absence policy:

EXAMPLE 1: Mom leaves home to attend a specialized training outside of the state. Allowed as a temporary absence.

EXAMPLE 2: Dad leaves home to go to Job Corps. Allowed as a temporary absence.

EXAMPLE 3: Mom leaves the state to complete an internship in another state. Allowed as a temporary absence.

► **EXAMPLE 4:** Mom moves to Billings from Dawson County for PSE and is expected to be gone from August until May. Not allowed as temporary absence.

► **EXAMPLE 5:** Dad is in county jail for 45 days. Not allowed as temporary absence.

► **EXAMPLE 6:** Mom is in the county jail for 120 days. Not allowed as a temporary absence.

TEAMS PROCESS The absent member's TEAMS Part Code remains 'IN' during the temporary absence. An explanation of the circumstances must be stated in TEAMS Case Notes (CANO). An ALERT should be set (on the ETAL screen) for the month prior to the end of the 90 days, as a reminder to request confirmation of the absent member's return to the home.

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